

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 22-1377-MN
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
MASIMO CORPORATION and	)	
SOUND UNITED, LLC,	)	
	)	
Defendants.	)	
	)	
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MASIMO CORPORATION,	)	
	)	
Counterclaim-Plaintiff,	)	
	)	
v.	)	
	)	
APPLE INC.,	)	
	)	
Counterclaim-Defendant.	)	

**DECLARATION OF JAMIE L. KRINGSTEIN IN SUPPORT OF APPLE INC.’S  
MOTION TO DISMISS MASIMO CORPORATION’S INEQUITABLE CONDUCT  
COUNTERCLAIM AND STRIKE ITS AFFIRMATIVE DEFENSE**

I, Jamie L. Kringstein, declare and state as follows:

1. I am an attorney at the law firm Desmarais LLP, counsel of record for Plaintiff and Counterclaim-Defendant Apple Inc. (“Apple”) in the above-captioned case. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.
  
2. I submit this declaration in support of Plaintiff and Counter-Defendant Apple Inc.’s Motion To Dismiss Masimo Corporation’s Inequitable Conduct Counterclaim And Strike Its Affirmative Defense, submitted concurrently herewith.

3. Attached as **Exhibit 1** is a true and correct copy of U.S. Patent No. D699,717, which was filed on April 24, 2013 and prosecuted by attorneys at Sterne, Kessler, Goldstein & Fox PLLC, with annotations added for clarity.

4. Attached as **Exhibit 2** is a true and correct copy of U.S. Patent No. D786,290, which was filed on May 27, 2016 and prosecuted by attorneys at Sterne, Kessler, Goldstein & Fox PLLC, with annotations added for clarity.

5. Attached as **Exhibit 3** is a true and correct copy of an excerpt of U.S. Patent No. 10,061,399, which was filed on July 15, 2016 and prosecuted by attorneys at Brownstein Hyatt Farber Schreck, LLP for Applicant Apple Inc., with annotations added for clarity.

6. Attached as **Exhibit 4** is a true and correct copy of an excerpt of U.S. Patent No. 10,285,645, which was filed on September 28, 2015 and prosecuted by attorneys at Brownstein Hyatt Farber Schreck, LLP for Applicant Apple Inc., with annotations added for clarity.

I declare the foregoing to be true and correct under penalty of perjury.

Dated: February 21, 2023

By: /s/ Jamie L. Kringstein  
Jamie L. Kringstein  
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*Attorneys for Plaintiff and  
Counterclaim-Defendant Apple Inc.*